

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1050 - SB 1266

March 14, 2011

SUMMARY OF BILL: Expands the offense of aggravated child abuse, neglect, or endangerment to include knowingly exposing a child to initiation of a process intended to result in the manufacture of methamphetamine.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$98,900/Incarceration*

Assumptions:

- It is currently a Class B felony for the offense of aggravated child abuse, neglect, or endangerment. The offense is punishable as a Class A felony if the abused, neglected, or endangered child is eight years of age or less, or is vulnerable because the victim is mentally defective, mentally incapacitated, or suffers from a physical disability.
- According to the Department of Children's Services, there has been an average of 386 cases in each of the past two years where a child less than 13 years of age was present during the manufacture of methamphetamine.
- According to the Department of Correction (DOC), there have been zero convictions for the initiation of a process intended to result in the manufacture of methamphetamine. The Department assumes there will be one Class A felony and one Class B felony every five years due to the increasing number of children being exposed to the manufacture of methamphetamine.
- According to the U. S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional Class A offender and one additional Class B offender every five years.
- According to the Department, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class B felony is 5.66 years (2,067.32 days) at a cost of \$125,320.94 (\$60.62 x 2,067.32 days). The annualized time served per Class B conviction is 413.46 days (0.20 annual number of convictions x 2,067.32 days served). The annualized cost per conviction is \$25,063.95 (\$60.62 x 413.46 days).

- The average post-conviction time served for a Class A felony is 16.68 years (6,092.37 days) at a cost of \$369,319.47 (\$60.62 x 6,092.37 days). The annualized time served per Class A conviction is 1,218.47 days (0.20 annual number of convictions x 6,092.37 days served). The annualized cost per conviction is \$73,863.65 (\$60.62 x 1,218.47 days).
- The total additional operating cost is \$98,927.60 (\$25,063.95 + \$73,863.65).
- According to the District Attorneys General Conference, the additional number of cases generated by the proposed bill will not significantly impact their caseloads. Any additional cost can be accommodated within existing resources without an increased appropriation or reduced reversion.

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc